

**AUTHORIZE THE SELECT BOARD TO PETITION THE GENERAL COURT TO
ADOPT LEGISLATION – AN ACT AUTHORIZING THE TOWN OF ACTON TO
ESTABLISH A MINIMUM CHARGE FOR A CHECKOUT BAG**

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.15 for all new checkout bags distributed in the Town of Acton, which legislation would have the underlying purposes of 1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, 2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, 3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and 4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

**AN ACT AUTHORIZING THE TOWN OF ACTON TO ESTABLISH A MINIMUM
CHARGE FOR A CHECKOUT BAG**

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2.

(a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Acton shall charge for each such bag a fee equal to or greater than \$0.15 per checkout bag, as established by regulations to be duly promulgated by the Acton Board of Health.

(b) All monies collected pursuant to this section shall be retained by the retail establishment.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3.

- (a) The Health Agent for the Acton Board of Health or his/her designee shall have authority to enforce this Act and any regulations promulgated thereunder. This Act may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D, and Articles C3. and E45. of the Town of Acton General Bylaws.
- (b) The Acton Board of Health may adopt and amend rules and regulations to effectuate the purposes of this Act.

SECTION 4. If any provision of this Act is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This Act shall take effect three months after its passage.